

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

DAVID KATERBERG,

Hon. Marianne O. Battani

Plaintiff,

Case No. 1:03-cv-0837

v

CSX TRANSPORTATION, INC., a corporation,

Defendant.

/

ORDER

The Court having reviewed Defendant's Motion for Summary Judgment as to Count II of Plaintiff's Complaint and accepted the concurrence of Plaintiff's counsel in the relief sought;

IT IS HEREBY ORDERED AND ADJUDGED that Count II of Plaintiff's Complaint is dismissed with prejudice.

s/Marianne O. Battani
Hon. Marianne O. Battani

CERTIFICATE OF SERVICE

Copies of this Order were mailed and/or electronically filed to James Wernstrom and Robert B. Thompson on this date.

s/Colette Motowski

Deputy Clerk

April 11, 2006